

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

EDWARD A. BERMAN, on behalf of)	
himself and all others similarly situated,)	
)	Case No. 08 C 325
Plaintiff,)	
)	Judge Amy J. St. Eve
v.)	
)	Magistrate Judge Morton Denlow
IMNY, CHICAGO, LLC d/b/a Il Mulino,)	
)	
Defendant.)	

JOINT STATUS REPORT

Plaintiff EDWARD A. BERMAN and Defendant IMNY, CHICAGO, LLC d/b/a Il Mulino, by their attorneys, submit this joint status report pursuant to this Court's minute entry of April 3, 2008.

1. The Nature of the Case

A. The attorneys of record for each party are as follows:

For the Plaintiff Edward A. Berman:

Terrence Buehler (lead trial attorney)
Jeffrey J. Halldin
BUEHLER & WILLIAMS
161 North Clark Street
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Chicago, Illinois 60601
(312) 372-2209

For the Defendant IMNY, Chicago, LLC d/b/a Il Mulino:

William D. Dallas (lead trial attorney)
John B. Wolf
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B. The basis for federal jurisdiction is that this action arises under the laws of the United States, namely the Fair Credit Reporting Act as amended by the Fair and Accurate Credit Transactions Act (“FACTA”), 15 U.S.C. § 1681c.

C. Plaintiff alleges that Defendant violated FACTA by printing receipts that include both the last four numbers of its customers’ credit and debit cards and their expiration dates.

D. The major legal and factual issues in this case are whether FACTA prohibited Defendant from printing receipts that include the expiration date of its customers’ credit cards or debit cards, whether Defendant willfully violated FACTA, whether a class should be certified, the amount of statutory damages, and the amount of punitive damages (if any).

E. The relief sought by the Plaintiff is as follows:

- An injunction prohibiting Defendant from printing receipts that include more than the last five digits of its customers’ credit card or debit card number and the expiration date of its customers’ credit card or debit card;
- Statutory damages of \$100 to \$1,000;
- Punitive damages if appropriate; and
- Attorneys’ fees and costs.

2. Pending Motions and Case Plan

A. On April 25, 2008, Defendant filed “Defendant, IMNY, CHICAGO, LLC’s Motion to Dismiss” and noticed same for presentment on May 1, 2008.

B. The parties propose the following discovery plan:

- a. The types of discovery needed are as follows: Plaintiff will need documents and information relating to Defendant’s credit and debit card processing equipment and information relating to the putative class. Defendant will need information relating to any knowing or reckless conduct, and information relating to damages and all potential claimants.
- b. Plaintiff believes Rule 26(a)(1) disclosures should be exchanged by May 14, 2008, while Defendant believes they should be exchanged by June 13, 2008.

- c. Fact discovery shall be completed by September 14, 2008.
 - d. Expert discovery shall be completed by October 14, 2008. Plaintiff's expert reports shall be delivered by August 14, 2008. Defendant's expert reports shall be delivered by September 14, 2008.
 - e. All dispositive motions shall be filed by November 14, 2008.
 - f. A final pretrial order shall be filed by January 14, 2009.
- C. With respect to trial, the parties represent as follows:
- a. A jury trial is not requested.
 - b. The probable length of trial is one (1) day.
 - c. The case will be ready for trial by January 14, 2009.

3. Consent to Proceed Before a Magistrate Judge

The parties do not unanimously consent to proceed before a Magistrate Judge.

4. Status of Settlement Discussions

- A. Settlement discussions have not occurred.
- B. Because no settlement discussions have occurred, there is no status to report.
- C. The parties do not request a settlement conference.

Dated: April 25, 2008

Respectfully submitted,

EDWARD A. BERMAN, on behalf of himself and
all others similarly situated, Plaintiff

By: /s/ Jeffrey J. Halldin
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IMNY, CHICAGO, LLC d/b/a Il Mulino,
Defendant

By: /s/ John B. Wolf

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SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

The undersigned hereby certifies that on April 25, 2008 he caused the foregoing document to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, by using its Electronic Case Filing System which will send a Notice of Electronic Filing to the following Filing Users:

John Burke Wolf

P. Terrence Buehler

Jeffrey J. Halldin

The undersigned also certifies that on the above date he caused the foregoing document to be mailed by United States Postal Service to the following non-Filing Users:

Not Applicable

/s/ Jeffrey J. Halldin

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